



The Honorable Burrell Ellis  
Chief Executive Officer

**DeKalb County Planning / Development  
Department  
Zoning Board of Appeals**



**Manuel J. Maloof Administration Center Auditorium  
1300 Commerce Drive Decatur, GA 30030**

**BOA Meeting Date: Wednesday, November 10, 2010 at 1:00 P.M.**

**AGENDA**

**CALL MEETING TO ORDER**

**NOTE:** Applicant or appointed representative should be present. If unable to attend, please contact the Planning Department at (404) 371-2155

**CALL MEETING TO ORDER**

**DETERMINATION OF A QUORUM  
PREAMBLE AS TO PURPOSE AND PROCEDURES OF THE BOARD OF APPEALS  
INTRODUCTION OF MEMBERS, STAFF AND COUNTY REPRESENTATIVES**

**MEMBERS:**

**BONNIE JACKSON (CHAIRPERSON)**

**LIZ BEYER**

**DARRYL K. JENNINGS, SR**

**DERRICK HOLLAND**

**JEREMY CLARK**

**COLLETTE MCDONALD**

**PATRICK DESAMOURS**

(A-Absent; EXA-Excused Absence; U-Unexcused Absence; P-Present; R-Resigned; TE-Term Expired)

**QUORUM DETERMINATION:**      yes      no  
**COUNTY REPRESENTATIVE:**      yes      no

**DEFERRED FROM APRIL 14, 2010 AND FEBRUARY 10, 2010 AND MAY 12, 2010 AND JULY 14, 2010 AND SEPTEMBER 8, 2010 PUBLIC HEARING**

**D-1 Application No: A-10-16174 Parcel ID: 18-342-03-038**

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**Commission District: 1 Super District: 7**

**Applicant:** Harvey Ferguson  
479 Tamenhill Place  
Sugar Hill, GEORGIA 30518

**Owner:** Harold Oden; Barbara Holcomb

**Project Name:** 6363 Peachtree Industrial Blvd

**Zoning:** C-1 (Local Commercial District);

**Location** The property is located at the southwest intersection of Peachtree Industrial Boulevard and Tilly Mill Road

**Request:** **Appeal of an administrative decision to revoke a building permit for the Oasis Goodtime Emporium, relating to the C-1 zoning district.**

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**DEFERRED FROM SEPTEMBER 8, 2010 AND OCTOBER 13, 2010 PUBLIC HEARING**

**D-2 Application No: A-10-16622 Parcel ID: 18-108-07-002**

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**Commission District: 2 Super District: 6**

**Applicant:** Wendy Jacobson, M.D.  
1215 Clifton Road  
Atlanta, GEORGIA 30307

**Owner:** Wendy Jacobson, Md

**Project Name:** 1489 Lavista Road

**Zoning:** O-I (Office Institutional District);

**Location** The property is located at the southeast corner of Lavista Drive and Shepherd's Lane

**Request:** **Variance requests from the DeKalb County Zoning Ordinance to:**  
**(1) Reduce the street side yard setback from Shepherd's Lane from fifty (50) feet to thirty (30) feet (Section 27-491.c.1.c);**  
**(2) Reduce the front yard setback from fifty (50) feet to forty (40) feet from Lavista Road (Section 27-491.c.1.a); and**  
**(3) Reduce the interior side yard setback from twenty (20) feet to ten (10) feet (Section 27-491.c.2), to build new office buildings, relating to the O-I zoning district (pursuant to CZ-81110).**

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## **DEFERRED FROM OCTOBER 13, 2010 PUBLIC HEARING**

**D-3    Application No: A-10-16651    Parcel ID: 15-137-09-037**

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### **Commission District: 3 Super District: 6**

**Applicant:** Lannie Greene  
2470 Windy Hill Road Suite 346  
Marietta, GEORGIA 30067

**Owner:** Three J Holdings Llc

**Project Name:** 2321 Candler Road

**Zoning:** O-I (Office Institutional District);

**Location** The property is located on the west side of Candler Road, about 442.3 feet north of Ousley Court.

**Request:** **Variances from the DeKalb County Zoning Ordinance to:**  
**(1) Reduce the distance of a Telecommunications Tower from residentially zoned property from 200 feet to 70 feet from the west property line and to 85 feet from the south property line (Section 27-779.c.1.a&b); and**  
**(2) Waive the ten foot-wide landscape buffer and approve an alternative landscape plan (Section 27-779.c.7) to permit construction of a Telecommunications Tower, relating to the O-I zoning district.**

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## **NEW HEARING ITEMS**

**N-1    Application No: A-10-16734    Parcel ID: 16-026-02-082, 16-026-02-083, 16-026-02-084**

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### **Commission District: 5 Super District: 7**

**Applicant:** Al-Ali Group, Inc  
2905 Fitzgerald Trace  
Duluth, GEORGIA 30097

**Owner:** South Trust Bank

**Project Name:** 5754 Covington Highway

**Zoning:** C-1 (Local Commercial District);

**Location** The property is located on the northside of Covington Highway, about 1,233 feet east of Young Road.

**Request:** **Variance request from Section 27-581 (c.1.a) of the DeKalb County Zoning Ordinance, to reduce the minimum front yard setback from seventy-five (75) feet to sixty (60) feet to expand a commercial use, relating to the C-1 zoning district.**

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## **NEW HEARING ITEMS**

**N-2    Application No: A-10-16735    Parcel ID: 18-108-09-022**

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### **Commission District: 2 Super District: 6**

**Applicant:** John And Betsy Braden  
1400 Lavista Road  
Atlanta, GEORGIA 30324

**Owner:** John Braden; Betsy Braden

**Project Name:** 1400 Lavista Road

**Zoning:** R-85 (S-Fam Res. Min Lot 12000 Sq.Ft);

**Location** The property is located on the north side of Lavista Road, about 140 feet west of Brookforest Road.

**Request:** **Variance requests from the DeKalb County Zoning Ordinance, to:**  
**(1) Reduce interior side yard along the east property line from eight point five (8.5) to two (2) feet (Section 27-166.d);**  
**(2) Reduce the rear yard setback from forty (40) feet to thirty (30) feet (Section 27-166.e); and**  
**(3) Reduce the average front yard setback from approximately 125 feet to fifty-three (53) feet (Section 27-788.a) to construct a one-car garage and a covered front porch with exterior steps, relating to the R-85 zoning district.**

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## **NEW HEARING ITEMS**

**N-3    Application No: A-10-16737    Parcel ID: 18-272-06-043**

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**Applicant:** Michael And Alison Louie  
3331 Ashford Park Court  
Atlanta, GEORGIA 30319

**Owner:** Michael Louie; Alison Louie

**Project Name:** 3331 Ashford Park Court

**Zoning:** R-60 (S-Fam Res. Min Lot 8000 Sq.Ft);

**Location** The property is located at the northeast corner of Ashford Park Court and Caldwell Road.

**Request:** **Variance request from Section 27-788(d.2) of the DeKalb County Zoning Ordinance to allow an open, uncovered deck to extend beyond the allowed ten (10) feet to fifteen point seven (15.7) past a minimum yard from the north property line, relating to the R-60 zoning district (pursuant to CZ-03068).**

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## **NEW HEARING ITEMS**

**N-4    Application No: A-10-16740    Parcel ID: 18-201-14-005**

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### **Commission District: 2 Super District: 6**

**Applicant:** Jay And Kerri Levitt  
2238 Drew Valley Road  
Atlanta, GEORGIA 30319

**Owner:** Jay Levitt

**Project Name:** 1393 Noel Drive

**Zoning:** R-75 (S-Fam Res. Min Lot 10000 Sq.Ft);

**Location** The property is located on the south side of Noel Drive, about 285 feet east of Coosawattee Drive.

**Request:** **Variance request from Section 27-788(a) of the DeKalb County Zoning Ordinance to reduce the average front yard setback from forty point nine (40.9) feet to thirty-one point one (31.1) feet, to bring a new house into compliance with the Zoning Ordinance, relating to the R-75 zoning district.**

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## **NEW HEARING ITEMS**

**N-5    Application No: A-10-16741    Parcel ID: 18-184-04-001**

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### **Commission District: 1 Super District: 7**

**Applicant:** Livia Whisenhunt  
P.O. Box 29339  
Atlanta, GEORGIA 30359

**Owner:** Saikrupa Enterprises Inc

**Project Name:** 1833 Tucker Industrial Road

**Zoning:** M (Light Industrial);

**Location** The property is located at the southeast corner of Tucker Industrial Boulevard and Hirsch Drive.

**Request:** **Variance request from Section 27-621 of the DeKalb County Zoning Ordinance to reduce the interior side yard setback from twenty (20) feet to five (5) feet to permit an additional pump station, relating to the M (Industrial) zoning district.**

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## **NEW HEARING ITEMS**

**N-6 Application No: A-10-16744 Parcel ID: 15-248-16-001**

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### **Commission District: 4 Super District: 6**

**Applicant:** Jordan Williams  
914 Howell Mill Road Suite 300  
Atlanta, GEORGIA 30318

**Owner:** Gulrose Enterprises Inc; Rohrig Investments Lp

**Project Name:** 2781 East College Avenue

**Zoning:** C-2 (General Commercial District);

**Location** The property is located at the southeast corner of East College Avenue and Livingstone Place.

**Request:** **Variance request from Section 27-601(c.1.a) of the DeKalb County Zoning Ordinance to reduce the front yard setback along Livingstone Place from seventy-five (75) feet to nine (9) feet to build an addition to an existing business, relating to the C-2 zoning district.**

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## **NEW HEARING ITEMS**

**N-7 Application No: A-10-16745 Parcel ID: 15-237-05-033**

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### **Commission District: 2 Super District: 6**

**Applicant:** Bobby Chung  
2264 East Lake Road  
Atlanta, GEORGIA 30307

**Owner:** Bobby Chung; Irene Yan

**Project Name:** 2264 East Lake Road

**Zoning:** R-85 (S-Fam Res. Min Lot 12000 Sq.Ft);

**Location** The property is located on the north side East Lake Road, about 72 feet west of West Parkwood Drive.

**Request:** **Variance request from Section 27-731 (c) of the DeKalb County Zoning Ordinance to reduce the interior side yard setback from the west property line from ten (10) feet to two (2) feet and from ten (10) feet to two (2) feet from the rear (north) property line to construct a detached carport, relating to the R-85 zoning district.**

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## **NEW HEARING ITEMS**

**N-8 Application No: A-10-16746 Parcel ID: 18-202-06-012**

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### **Commission District: 2 Super District: 6**

**Applicant:** Kay Spencer  
2229 Drew Valley Road  
Atlanta, GEORGIA 30319

**Owner:** Kay Spencer

**Project Name:** 2229 Drew Valley Road

**Zoning:** R-75 (S-Fam Res. Min Lot 10000 Sq.Ft);

**Location** The property is located at the northwest corner of Drew Valley Road and Nesbitt Drive.

**Request:** **Variance request from Section 27-788(a) of the DeKalb County Zoning Ordinance to reduce the average front yard setback from seventy point four (70.4) feet to forty-nine point four (49.4) feet to build a screen porch (existing setback is 58.3 feet), relating to the R-75 zoning district.**

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## **NEW HEARING ITEMS**

**N-9 Application No: A-10-16747 Parcel ID: 18-010-17-004**

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### **Commission District: 4 Super District: 6**

**Applicant:** Shirley And Charles Sellers  
2064 Briarcliff Road #104  
Atlanta, GEORGIA 30329

**Owner:** Shirley Sellers; Charles Sellers

**Project Name:** 325 Marigna Ave

**Zoning:** R-75 (S-Fam Res. Min Lot 10000 Sq.Ft);

**Location** The property is located on the east side of Marigna Avenue, about fifty feet north of Walnut Street.

**Request:** **Variance requests from the DeKalb County Zoning Ordinance, to:**  
**(1) Reduce the side yard setback from the north property line from seven point five (7.5) feet to five (5) feet (Section 27-186.d); and**  
**(2) Reduce the distance of a retaining wall from three point seven five (3.75) feet to zero feet from the south property line (Section 27-787.b), to bring a property into compliance with the zoning ordinance, relating to the R-75 zoning district.**

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